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Jul. 7, 2021

**BY ECF**

Hon. Nicholas G. Garaufis  
USDJ-EDNY  
Room 1426 S  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *US v. Raniere*, 18 CR 204 (S-2) (NGG) (EDNY)

Dear Judge Garaufis:

Jeff Lichtman and I are incoming counsel for Keith Raniere. We write in response to today's scheduling order, respectfully requesting a one-week extension – to Mon. Jul. 19 at 2 pm – of the deadline for the defense's supplemental restitution submission. The government, by telephone conversation yesterday afternoon, advised that it takes no position as to our extension request.

Mr. Raniere has hired reputable counsel – Mr. Lichtman and I – to handle all aspects of his pending criminal litigation, both in this Court and on appeal. Our goal, we assure the Court, is to streamline and bring coherence to the proceedings – not to prolong, delay or multiply them. In the circumstances at hand, however, we respectfully suggest that we cannot prepare competent or informed supplemental restitution papers – much less achieve the desired economies – by the current due date of this Mon. Jul. 12.

To that end, Mr. Lichtman and I were retained only late last week – myself just last Fri. – and immediately noticed our appearances and reached out to the prosecutors. Mr. Lichtman's office has been in contact with Your Honor's chambers throughout the long holiday weekend about the process of effecting our formal substitution – expected imminently – for all prior counsel. Though we read the Court's preliminary, 32-page redacted restitution opinion (ECF 1036, 5/28/21) before our entry – and understood its broad legal contours – its factual intricacies escaped our grasp prior to formal retention and at least cursory record review. And on that front, we did not receive an unsealed copy of the government's single-spaced, 22-page supplemental restitution submission – with 13 accompanying exhibits – until 11 o'clock this morning. Indeed, we haven't received or even seen *any* of the preceding sealed restitution submissions pending addition to the

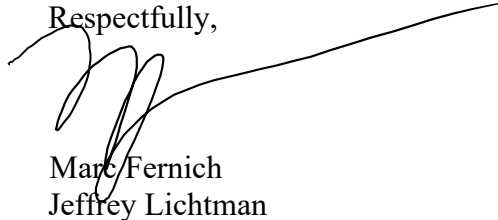
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so-ordered protective order governing document exchange and filing in this case. (Given the long holiday weekend, the prosecutors emailed us the protective order at first opportunity yesterday afternoon, and we returned fully executed copies last night after reading and digesting its strict and extensive terms. The executed document, at this writing, awaits the Court's signature by way of so-ordering).

Under all these circumstances, and in a case as voluminous and complex as this one, we respectfully contend that it is impossible for incoming counsel to prepare adequate or intelligent supplemental restitution papers in just five days' time. A one-week extension will enable us to acquire and read all outstanding restitution submissions (including those filed under seal), conduct an abbreviated review of the roughly 7000-page trial record and perform rudimentary factual investigation – the minimum necessary to competently represent our client and provide effective assistance of counsel. By the same token, the requested extension should not prejudice unduly either the prosecutors – who tell us their latest submission, though quite lengthy, has narrowed the issues significantly – or the Court, which would have a full 24 hours before the scheduled restitution argument, set down for Tues. Jan. 20 at 2 pm, to review our filing.

We appreciate Your Honor's attention in considering this letter.

Respectfully,

A handwritten signature in black ink, appearing to be 'Marc Fernich', with a long horizontal line extending to the right.

Marc Fernich  
Jeffrey Lichtman

cc: All counsel (ECF)